

Clean Air Act Compliance

Checklist for HUD or Responsible Entity

General requirements	Legislation	Regulation
EPA requires federal actions to conform to State or Federal Action Plans for air quality.	Clean Air Act (42 U.S.C. 7401 et seq.) as amended	40 CFR Parts 6, 51 and 93

1. Does your project require an environmental assessment level review for new construction or major rehabilitation of existing structures?

- ☐ No: STOP here. The Clean Air Act conformity requirements do not apply. Record your determination.
- ☐ Yes: PROCEED to #2

2. Is the project located in a designated non-attainment area for criteria air pollutants?

Maintain, in your ERR, either a map or list of non-attainment areas in your region. You can view maps of non-attainment areas by state at this website: <http://www.epa.gov/air/data/geosel.html>. Each state also maintains a regional list, please see attached contact information for details.

- ☐ No: STOP here. The Clean Air Act conformity requirements do not apply. Record your determination.
- ☐ Yes: PROCEED to #3

3. Does your project exceed de minimis impact criteria?

Determine if your project will result in emissions (both direct and indirect) that exceed the de minimis thresholds established for each criteria pollutant at 40 CFR Part 93.153 (see attached). In general, HUD projects will not exceed this threshold. However, you should work with your local air quality authority to determine whether your project may have an impact on air quality. For PM-10 (dust and particulate matter) non-attainment areas, please make special note of any local dust control regulations that might apply during construction. Please see attached document for air authority contacts in Alaska, Oregon and Idaho. For Washington contacts, please visit http://www.ecy.wa.gov/programs/air/pdfs/Control_Officers.pdf.

- ☐ No: STOP here. The project does not impact air quality. Record your determination on the Statutory Worksheet and attach documentation.
- ☐ Yes: PROCEED to #4

4. Does your project conform with the State or Federal Action Plan for air quality?

Work with your local or state air quality authority to determine if your project conforms with your State Action plan. If you cannot reach this determination, please contact your HUD environmental officers for further guidance.

DISCLAIMER: This document is intended as a tool to help grantees and HUD staff complete HUD environmental requirements. This document is subject to change. This is not a policy statement, and the Clean Air Act Legislation and Regulations take precedence over any information found in this document.

Questions concerning environmental requirements relative to HUD programs can be addressed to Deborah Peavler-Stewart (206) 220 5414 or Sara Jensen (206) 220 5226.

Region 10 Air Toxics Partners

Alaska Department of Environmental Conservation

Air and Water Quality Division

555 Cordova Street

Anchorage, Alaska 99501-2617

(907) 269-7634

http://www.dec.state.ak.us/divs_contacts/#air

Idaho Department of Environmental Quality

1410 N. Hilton

Boise, Idaho 83720

(208) 373-0457

<http://www.deq.state.id.us/index.htm>

Oregon Department of Environmental Quality

811 SW Sixth Avenue

Portland, Oregon 97204-1390

Telephone: (503) 229-5696

Toll Free in Oregon: (800) 452-4011

TTY: (503) 229-6993

Fax: (503) 229-6124

E-mail: deq.info@deq.state.or.us

Lane County Regional Air Pollution Authority: Oregon

1010 Main Street

Springfield, Oregon 97477

(541) 736-1056

www.lrapa.org

Washington State

Washington State has eight regional Air Authorities. Please see these websites for contact information:

<http://yosemite.epa.gov/R10/AIRPAGE.NSF/webpage/Air+Toxics+Contact+Info+for+Region+10+and+State+Agencies> or http://www.ecy.wa.gov/programs/air/pdfs/Control_Officers.pdf

CHAPTER I--ENVIRONMENTAL PROTECTION AGENCY (CONTINUED)

PART 93--DETERMINING CONFORMITY OF FEDERAL ACTIONS TO STATE OR FEDERAL IMPLEMENTATION PLANS--Table of Contents

Subpart B--Determining Conformity of General Federal Actions to State or Federal Implementation Plans

Sec. 93.153 Applicability.

(a) Conformity determinations for Federal actions related to transportation plans, programs, and projects developed, funded, or approved under title 23 U.S.C. or the Federal Transit Act (49 U.S.C. 1601 et seq.) must meet the procedures and criteria of 40 CFR part 51, subpart T, in lieu of the procedures set forth in this subpart.

(b) For Federal actions not covered by paragraph (a) of this section, a conformity determination is required for each pollutant where the total of direct and indirect emissions in a nonattainment or maintenance area caused by a Federal action would equal or exceed any of the rates in paragraphs (b)(1) or (2) of this section.

(1) For purposes of paragraph (b) of this section, the following rates apply in nonattainment areas (NAA's):

	Tons/year
Ozone (VOC's or NOX):	
Serious NAA's.....	50
Severe NAA's.....	25
Extreme NAA's.....	10
Other ozone NAA's outside an ozone transport region.....	100
Marginal and moderate NAA's inside an ozone transport region:	
VOC.....	50
NOX.....	100
Carbon monoxide:	
All NAA's.....	100
SO2 or NO2	
All NAA's.....	100
PM-10:	
Moderate NAA's.....	100
Serious NAA's.....	70
Pb:	
All NAA's.....	25

(2) For purposes of paragraph (b) of this section, the following rates apply in maintenance areas:

	Tons/year
Ozone (NOX), SO2 or NO2	
All Maintenance Areas.....	100
Ozone (VOC's):	
Maintenance areas inside an ozone transport region.....	50
Maintenance areas outside an ozone transport region.....	100
Carbon monoxide:	
All Maintenance Areas.....	100
PM-10:	
All Maintenance Areas.....	100
Pb:	
All Maintenance Areas.....	25